

112TH CONGRESS
1ST SESSION

H. R. 3095

To freeze the implementation of the health reform law, to establish a commission to evaluate its impact on the delivery of health care to current Medicare recipients, job creation, current health insurance coverage, participation in State exchanges, and the Federal deficit, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 2011

Mr. SAM JOHNSON of Texas introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, Natural Resources, the Judiciary, House Administration, Appropriations, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To freeze the implementation of the health reform law, to establish a commission to evaluate its impact on the delivery of health care to current Medicare recipients, job creation, current health insurance coverage, participation in State exchanges, and the Federal deficit, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Freeze and Investigate
3 Affordable Care Act of 2011”.

4 **SEC. 2. FREEZE ON IMPLEMENTATION OF HEALTH REFORM**
5 **LAW.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, the provisions of the health reform law that
8 are not in effect on the date of the enactment of this Act
9 shall not take effect.

10 (b) REGULATIONS UNDER HEALTH REFORM LAW.—
11 Notwithstanding any other provision of law, the Federal
12 Government shall not promulgate or enforce regulations
13 under the provisions of the health reform law that are not
14 in effect on the date of enactment of this Act, or otherwise
15 prepare to implement such provisions.

16 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

17 There is established in the legislative branch a com-
18 mission to be known as the Affordable Care Evaluation
19 Commission (in this Act referred to as the “Commis-
20 sion”).

21 **SEC. 4. DUTIES OF THE COMMISSION; INVESTIGATIVE RE-**
22 **PORT.**

23 The duties of the Commission shall be—

24 (1) to prepare and, not later than 270 days
25 after the date of the enactment of this Act, to sub-

1 mit to the President and Congress a report that con-
2 tains—

3 (A) a projection of the impact that the im-
4 plementation of the provisions of the health re-
5 form law that are not in effect on the date of
6 the enactment of this Act would have on—

7 (i) the quality of health care delivered
8 to individuals who are Medicare recipients
9 on the date of the enactment of this Act;

10 (ii) health insurance coverage of indi-
11 viduals who are insured on such date;

12 (iii) participation in State exchanges
13 and the effect on the Federal deficit; and

14 (iv) job creation and the size of the
15 tax base;

16 (B) an evaluation of the findings, conclu-
17 sions, and recommendations developed by all
18 other relevant governmental agencies regarding
19 the facts and circumstances surrounding such
20 implementation; and

21 (C) a recommendation of corrective meas-
22 ures to mitigate any negative impact of such
23 implementation; and

24 (2) to make available to the public the report
25 submitted under paragraph (1).

1 **SEC. 5. MEMBERS OF COMMISSION.**

2 (a) COMPOSITION.—The Commission shall be com-
3 posed of 10 members, of whom—

4 (1) 1 member shall be appointed by the Presi-
5 dent, who shall serve as chair of the Commission;

6 (2) 1 member shall be appointed by the Speak-
7 er of the House, who shall serve as vice chair of the
8 Commission;

9 (3) 2 members shall be appointed by the major-
10 ity leader of the Senate;

11 (4) 2 members shall be appointed by the minor-
12 ity leader of the Senate;

13 (5) 2 members shall be appointed by the major-
14 ity leader of the House of Representatives; and

15 (6) 2 members shall be appointed by the minor-
16 ity leader of the House of Representatives.

17 (b) DEADLINE FOR APPOINTMENT.—All members of
18 the Commission shall be appointed before the end of the
19 30-day period beginning on the date of the enactment of
20 this Act.

21 (c) QUALIFICATIONS.—

22 (1) POLITICAL PARTY AFFILIATION.—Not more
23 than 5 members of the Commission shall be from
24 the same political party.

25 (2) NONGOVERNMENTAL APPOINTEES.—An in-
26 dividual appointed to the Commission may not be an

1 officer or employee of the Federal Government or
2 any State or local government.

3 (3) OTHER QUALIFICATIONS.—Individuals ap-
4 pointed to the Commission shall be prominent citi-
5 zens, with national recognition and significant depth
6 of experience in such professions as government
7 service, financial services, economics, law, public ad-
8 ministration, commerce, and the United States
9 healthcare system.

10 **SEC. 6. OPERATION OF COMMISSION.**

11 (a) INITIAL MEETING.—The Commission shall meet
12 and begin the operations of the Commission as soon as
13 practicable.

14 (b) PUBLIC MEETINGS.—Meetings of the Commis-
15 sion shall be held in public to the extent practicable.

16 (c) QUORUM; VACANCIES.—After its initial meeting,
17 the Commission shall meet upon the call of the chair, the
18 vice chair, or a majority of its members. Six members of
19 the Commission shall constitute a quorum. Any vacancy
20 in the Commission shall not affect its powers, but shall
21 be filled in the same manner in which the original appoint-
22 ment was made.

23 **SEC. 7. COMPENSATION OF MEMBERS.**

24 (a) COMPENSATION.—Each member of the Commis-
25 sion shall be paid at a rate not to exceed the daily equiva-

1 lent of the annual rate of basic pay for level IV of the
2 Executive Schedule under section 5315 of title 5, United
3 States Code, for each day during which that member is
4 engaged in the actual performance of duties vested in the
5 Commission.

6 (b) TRAVEL EXPENSES.—Each member shall receive
7 travel expenses, including per diem in lieu of subsistence,
8 in accordance with applicable provisions under subchapter
9 I of chapter 57 of title 5, United States Code.

10 (c) MEMBERS NOT TREATED AS FEDERAL EMPLOY-
11 EES.—The Members of the Commission shall not be con-
12 sidered employees under section 2105 of title 5, United
13 States Code.

14 **SEC. 8. DIRECTOR AND STAFF OF COMMISSION.**

15 (a) APPOINTMENT AND COMPENSATION.—The chair
16 of the Commission, in consultation with the vice chair of
17 the Commission, in accordance with rules agreed upon by
18 the Commission, may appoint and fix the pay of a director
19 and such other personnel as may be necessary to enable
20 the Commission to carry out its functions, without regard
21 to the provisions of title 5, United States Code, governing
22 appointments in the competitive service, and without re-
23 gard to the provisions of chapter 51 and subchapter III
24 of chapter 53 of such title relating to classification and
25 General Schedule pay rates, except that no rate of pay

1 fixed under this subsection may exceed the annual rate
2 of basic pay for level V of the Executive Schedule under
3 section 5316 of title 5, United States Code.

4 (b) DETAILEES.—Upon request of the Commission,
5 the head of a Federal department or agency may detail,
6 without reimbursement from the Commission, any of the
7 personnel of that department or agency to the Commission
8 to assist it in carrying out its duties under this Act.

9 (c) CONSULTANT SERVICES.—The Commission may
10 procure the services of experts and consultants in accord-
11 ance with section 3109(b) of title 5, United States Code,
12 but at rates for individuals not to exceed the daily equiva-
13 lent of the annual rate of basic pay for level IV of the
14 Executive Schedule under section 5315 of title 5, United
15 States Code.

16 **SEC. 9. POWERS OF COMMISSION.**

17 (a) HEARINGS AND EVIDENCE.—The Commission
18 may, for the purpose of carrying out this Act, hold hear-
19 ings, sit and act at times and places, take testimony, and
20 receive evidence as the Commission considers appropriate.
21 The Commission may administer oaths or affirmations to
22 witnesses appearing before it.

23 (b) INFORMATION FROM FEDERAL AGENCIES.—The
24 Commission may secure directly from any Federal depart-
25 ment or agency information necessary to enable it to carry

1 out this Act. Upon the request of the chair or a majority
2 of the Commission, the head of that department or agency
3 shall furnish such information to the Commission.

4 (c) SUBPOENAS.—

5 (1) IN GENERAL.—The Commission may issue
6 subpoenas requiring the attendance and testimony of
7 witnesses and the production of any evidence relat-
8 ing to any matter under investigation by the Com-
9 mission only—

10 (A) by the agreement of the chair and the
11 vice chair; or

12 (B) by the affirmative vote of 6 members
13 of the Commission.

14 (2) SERVICE OF SUBPOENAS.—Subpoenas of
15 the Commission may be served by any person des-
16 ignated by the chair or by a majority of the Com-
17 mission.

18 (3) ENFORCEMENT.—

19 (A) IN GENERAL.—If a person refuses to
20 obey a subpoena issued under paragraph (1),
21 the Commission may apply to a United States
22 district court for an order requiring such person
23 to appear before the Commission to give testi-
24 mony, produce evidence, or both, relating to the
25 matter under investigation. Any failure to obey

1 the order of the court may be punished by the
2 court as civil contempt.

3 (B) ADDITIONAL ENFORCEMENT.—If a
4 person refuses to obey a subpoena issued under
5 paragraph (1), the Commission may, by major-
6 ity vote, certify a statement of fact constituting
7 such failure to the appropriate United States
8 attorney, who may bring the matter before the
9 grand jury for its action, under the same statu-
10 tory authority and procedures as if the United
11 States attorney had received a certification
12 under sections 102 through 104 of the Revised
13 Statutes of the United States (2 U.S.C. 192
14 through 194).

15 (d) CONTRACTING.—To the extent or in the amounts
16 provided in advance in appropriation Acts, the Commis-
17 sion may enter into contracts to enable the Commission
18 to carry out its duties under this Act.

19 (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon
20 the request of the Commission, the Administrator of Gen-
21 eral Services shall provide to the Commission, on a reim-
22 bursable basis, the administrative support services nec-
23 essary for the Commission to carry out its duties under
24 this Act.

1 (f) GIFTS.—To the extent or in the amounts provided
2 in advance in appropriations Acts, the Commission may
3 accept, use, and dispose of gifts or donations of services
4 or property.

5 (g) POSTAL SERVICES.—The Commission may use
6 the United States mails in the same manner and under
7 the same conditions as other departments and agencies of
8 the United States.

9 **SEC. 10. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
10 **MITTEE ACT.**

11 The Federal Advisory Committee Act (5 U.S.C. App.)
12 shall not apply with respect to the Commission.

13 **SEC. 11. TERMINATION.**

14 The Commission shall terminate not later than 30
15 days after the report is submitted under section 4.

16 **SEC. 12. DEFINITIONS.**

17 In this Act:

18 (1) The term “health reform law” means the
19 Patient Protection and Affordable Care Act (Public
20 Law 111–148) and the health care-related provisions
21 of the Health Care and Education Reconciliation Act
22 of 2010 (Public Law 111–152), including the
23 amendments made by such provisions.

24 (2) The term “health care-related provisions”
25 means, with respect to the Health Care and Edu-

1 cation Reconciliation Act of 2010, title I and subtitle
2 B of title II of such Act.

3 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums
5 as may be necessary to carry out the activities of the Com-
6 mission under this Act, to remain available until the termi-
7 nation of the Commission.

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